



Attorney Docket No. 0147-1 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wayne P. Franco Group Art Unit: 1647
Serial No.: 10/730,831 Examiner: Daniel C. Gamett
Filed: December 9, 2003
For: **METHODS OF USE OF FIBROBLAST GROWTH FACTOR,
VASCULAR ENDOTHELIAL GROWTH FACTOR AND
RELATED PROTEINS IN THE TREATMENT OF ACUTE
AND CHRONIC HEART DISEASE**
Docket No.: 0147-1 DIV1

231 Somerville Road
Bedminster, NJ 07921

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner, Wayne P. Franco, residing at 500 Cold Spring Road, No. E217, Rocky Hill, Connecticut 06067, represents that he is the owner of the entire right, title and interest of application Serial No. 10/730,831, filed December 9, 2003 for "METHODS OF USE OF FIBROBLAST GROWTH FACTOR, VASCULAR ENDOTHELIAL GROWTH FACTOR AND RELATED PROTEINS IN THE TREATMENT OF ACUTE AND CHRONIC HEART DISEASE".

Petitioner hereby disclaims the terminal part of any patent on the above-identified application which would extend beyond the expiration date of commonly owned U.S. Patent No. 6,759,386 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,759,386, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

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Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory period as presently shortened by any terminal disclaimer of U.S. Patent No. 6,759,386 in the event that it later; expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); had all claims canceled by a reexamination certificate; or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is empowered to act on behalf of Wayne P. Franco with respect to this submission.

I have reviewed the above-identified patent application and certify that, to the best of my knowledge and belief, the entire right, title, and interest in the invention of the above-identified patent application is held by Wayne P. Franco.

A check for the \$65 fee for filing this Terminal Disclaimer under 37 CFR § 1.20(d) is enclosed herewith. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that such fee be charged to Deposit Account No.: 50-3832.

Respectfully submitted,

Wayne P. Franco


By _____
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